

## LABOUR DEPARTMENT

The 1st October, 1971

No. 10585-4Lab-71/32416. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of Municipal Committee, Karnal :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 37 of 1970

*between*

THE WORKMEN, C/O MUNICIPAL KARAMCHARI UNION, KARNAL AND THE  
MANAGEMENT OF MUNICIPAL COMMITTEE, KARNAL

*Present :*

Nemo, for the management.

Nemo, for the workman.

## AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has been pleased to refer the following dispute to this Court for adjudication.—*vide* Government Gazette Notification No. ID/KL/39B-70/ dated 30th July, 1970 :—

“Whether the termination of services of the following workmen was justified and in order ? If not, to what relief are they entitled ?

- (1) Shri Duli Chand (2) Shri Ran Singh (3) Shri Dukhla (4) Shri Ram Daur  
(5) Shri Puran Chand (6) Shri Ram Dayal (7) Shri Munisar (8) Shri Ram Laxhan  
(9) Shri Ramesh.”

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. My learned predecessor Shri O. P. Sharma has framed the following issues which arose from the pleading of the parties :—

1. Whether the present reference is bad in law for the reasons given in the written statement ?
2. Whether the termination of services of the following workmen was justified and in order ? If not, to what relief are they entitled?

- (1) Shri Duli Chand (2) Shri Ran Singh (3) Shri Dukhla (4) Shri Ram Daur  
(5) Shri Puran Chand (6) Shri Ram Dayal (7) Shri Munisar (8) Shri Ram Laxhan  
(9) Shri Ramesh.

Before the evidence was recorded the management gave another application in which it was submitted that the reference made to this Court was without jurisdiction because this Court was previously presided over by Shri O. P. Sharma and he has not so far been divested of his power. The following additional issue was framed.

1. Whether the reference cannot be heard by this Court ?

After hearing the parties the preliminary issue was found in favour of the workmen. On merits the case of the management is that the workmen had been appointed against temporary vacancies. The statement of Shri Kishori Lal, Secretary to the committee was recorded in order to get the necessary details with regard to the alleged temporary appointments and the committee undertook to file complete details. The necessary details were given. The committee also undertook to absorb the applicants in regular vacancies if they could get themselves registered in the Employment Exchange and submit their applications through the Exchange. The committee also took up another objection that they were not carrying on any industry and the reference was bad in law on this ground also. The applicants in reply submitted that they had been victimised and the committee had terminated their services in a revengeful spirit on account of their legitimate trade union activities. The issues were, therefore, recast as under :—

1. Whether the reference is bad in law because the respondent committee is not carrying on an industry?

2. Whether the applicants were appointed on purely temporary basis against short time vacancies created by the committee from time to time and the last term of their appointment ended on 30th November, 1969.
3. Whether due notice was given to the applicants to get themselves registered in the Employment Exchange so that they could be absorbed in regular vacancies but the applicants failed to get themselves registered and left the service of their own accord?
4. Whether the applicants have been victimised and their services have been terminated in a revengeful spirit on account of their legitimate trade union activities?

The case was adjourned to 7th June, 1971 for evidence and the evidence of Shri Kishori Lal was recorded. At the request of the parties the case was adjourned for further evidence to 24th August, 1971. On the date fixed neither party appeared. From the evidence of the Secretary, it is established that the applicants were appointed in a temporary capacity and when regular posts were sanctioned, the applicants were informed that in case they wanted to be considered for regular employment they should apply through the Employment Exchange. The applicants have not led any evidence in rebuttal to show that they had been victimised and their services were terminated in a revengeful spirit because of their legitimate trade union activities. I am, therefore, of the opinion that the termination of their service is not proved to be illegal and they are not entitled to any relief. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Dated the 20th September, 1971.

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 1851, dated, Rohtak the 22nd September, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 10587-4Lab-71/32418.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Sita Singh Engineer & Sons, Faridabad:—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 168 of 1970

*between*

SHRI DHODU RAM C/O GENERAL SECRETARY, INTUC MAZDOOR COUNCIL, MARKET  
No. 1, FARIDABAD AND THE MANAGEMENT OF M/S SITA SINGH  
ENGINEER AND SONS, FARIDABAD

*Present:*

Shri Amar Singh, for the workman.

Shri A. J. S. Chadha, for the management.

#### AWARD

The management terminated the service of their workman Shri Dhodu Ram and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication—*vide* Government Gazette Notification No. ID/FD/23-B/29775, dated 23rd September, 1970:—

“Whether the termination of services of Shri Dhodu Ram was justified and in order?  
If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties. It is not necessary to decide the case on merits because a compromise has been arrived at between the parties. The management has agreed to give the workman Rs. 534 in full and final settlement of his claim and the workman has given up his right of reinstatement. Accordingly the workman is not now entitled to be reinstated. The parties would be bound by the terms of settlement. I give my award accordingly. No order as to costs.

P. N. THUKRAL.

Dated 21st September, 1971.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1849, dated Rohtak, the 22nd September, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 10586-4Lab-71/32420.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Paramount Rubber Industries,, Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 186 of 1970 and 5 of 1971

*between*

THE WORKMAN, C/o GENERAL LABOUR UNION (REGD), IK/16, FARIDABAD AND THE  
MANAGEMENT OF M/S PARAMOUNT RUBBER INDUSTRIES, FARIDABAD

*Present* : Shri Krishan Kumar, for the workman.

Shri R. C. Sharma, for the management.

#### AWARD

This award will dispose of two connected references No. 196 of 1970 and No. 5 of 1971. Reference No. 196 of 1970 relates to Sarvshri Harnam Dass and Bhujbir Singh and reference No. 5 of 1971 relates to Shri Asa Nand. These workmen were in the service of M/s Paramount Rubber Industries, Faridabad, and their services were terminated. The following dispute regarding Sarvshri Harnam Dass and Bhujbir Singh was referred,—*vide* Gazette notification No. ID/FD/566-B/36174, dated 3rd November, 1970:—

Whether the termination of services of Sarvshri Harnam Dass and Bhujbir Singh was justified and in order? If not, to what relief are they entitled?

The dispute regarding Shri Asa Nand referred for adjudication,—*vide* Gazette notification No. ID/FD/566-C-70/55937, dated 28th December, 1970, was as under:—

“Whether the termination of services of Shri Asa Nand was justified and in order? If not, to what relief is he entitled?”

On receipt of the references usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. The management filed joint written statement relating to the case of Sarvshri Asa Nand and Bhujbir Singh although as pointed out above. There are two separate references with regard to these workmen. No written statement was filed with regard to Shri Harnam Dass. So the statement of the representative of the management was recorded with regard to the claim of Shri Harnam Dass. Since the grounds on which the services of all the three workmen were terminated were the same in all cases the references were tried jointly.

The plea of the management is that the respondent factory had to be closed down on account of financial difficulties. So a settlement dated 20th October, 1968 was arrived at with all the workmen including the three claimants, Sarvshri Harnam Dass, Bhujbir Singh and Asa Nand. It was agreed that a sum of Rs 932.24 would be paid to Shri Asa Nand, Rs 579.34 would be paid to Shri Harnam Dass and Rs 345 would be paid to Shri Bhujbir Singh in four equal instalments in full and final settlement of their claims by the 12th of each month and they would not claim reinstatement. The workmen admit the settlement, dated 20th October, 1968 but plead that the management did not comply with the terms of the settlement. Accordingly the following issues were framed.

- (1) Whether the workmen are not entitled to the relief claimed in view of the settlement, dated 20th October, 1968, between the parties ?
- (2) Whether the terms of settlement have not been complied with ; if so, what is its effect ?

*Issue No. 1 and 2*

Both the issues can be discussed jointly. As already pointed out the workmen admit the terms of the settlement which provide for the payment of the sums agreed therein in four equal instalments, by the 12th of each month. The management admit that they have not complied with the terms of the settlement and instead of making the agreed payments by the 12th of each month they have been able to pay only a sum of Rs 390 to Shri Asa Nand instead of Rs 932.24, Rs 185 have been paid to Shri Bhujbir Singh instead of Rs 345 and Rs 611 have been paid to Shri Harnam Dass instead of Rs 579.34. It is also common ground that payments were not made as stipulated in settlement.

The settlement itself provides that if the payments are not made within the stipulated period then the workmen concerned would be entitled to their full service compensation. This means that according to the terms of the settlement the workmen have no right of reinstatement even if the terms of settlement are not complied with, so they are only entitled to compensation as provided in the settlement itself and as calculated below.

The period of service of Shri Asa Nand was 16 years and he was getting Rs 152 per mensem. Therefore, he is entitled to Rs 1,216 as service compensation. Rs 100 were due to him on account of bonus. The total comes to Rs 1,316 out of which the applicant had received Rs 390. Now the balance due to Shri Asa Nand is Rs 926.

As regards Shri Bhujbir Singh, he has 6 years of service to his credit. His salary was Rs 133 per mensem. He is, therefore, entitled to Rs 414 as service compensation and Rs 90 on account of bonus. The total comes to Rs 504 out of which he received Rs 185. So he is entitled to Rs 319.

As regards Shri Harnam Dass, he has put in 12 years of service and the service compensation which becomes due to him is Rs 900. Rs 100 is due to him on account of bonus making a total of Rs 1,000. He has already received Rs 611 and the balance due to him comes to Rs 389.

I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Dated 20th September, 1971.

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 1850, dated Rohtak, the 22nd September, 1971.

Forwarded in (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 10575-4Lab-71/32423.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Bags & Cartoon (India), Daultabad Road, Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 45 of 1971  
between

SH. BODI RAM C/o GENERAL SECRETARY, GURGAON FACTORIES WORKERS UNION, H. No. 214, 4-MARLA COLONY, GURGAON AND THE MANAGEMENT OF M/S BAGS & CARTOON (INDIA), DAULTABAD ROAD, GURGAON.

Present:—

Sh. Shardha Nand, for the workman.

Sh. Shiv Kumar, for the management.

#### AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/GG/74-F-70/10592, dated 13th April, 1971.

“Whether the termination of service of Shri Bodi Ram was justified and in order? If not; to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties. The representative of the workman has made a statement that the workman has received Rs 1,000/- in full and final settlement of his claim. It is, therefore, not necessary to decide the case on merits. I give my award accordingly. No order as to costs.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

Dated 17th September, 1971.

No. 1826, dated Rohtak, the 21st September, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 10491-4 Lab-71/32446.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s The Hissar Nilibar Co-operative Transport Society Ltd., Hissar

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 53 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S THE HISSAR NILIBAR CO-OPERATIVE  
TRANSPORT SOCIETY LTD., HISSAR.

Present:—

Nemo for the workman.

Shri Kartar Singh, Accountant for the management.

#### AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred for adjudication the following disputes between the management of M/s Hissar Nilibar Co-operative Transport Society Ltd., Hissar and their workmen,—*vide* order No. ID/HSR/52A/15437-41, dated 20th May, 1971.

1. Whether the grade and Scale of pay of different categories of workmen of the Company should be revised? If so; with what details and from which date?

2. whether the workmen should be given dearness allowance and whether it should be linked with the cost of living index number? If so; with what details and from which date?

On receipt of the reference usual notices were given to the parties. The workmen have not appeared in spite of service. It has been stated on behalf of the management that as a result of the nationalisation of the Road Transport by the state Government the respondent society has been left with only one route with 4 temporary workmen and the rests of the workmen have submitted their resignations and got their accounts cleared. This has been admitted by Shri Rajpal Singh, Secretary, Hissar District Transport Workers Union, Hissar which had given the demand notice leading to the present reference. In the circumstances, he has stated that the workmen are no longer interested in the present reference and a 'No-Dispute' award may be given.

I, therefore, make a 'No-Dispute' award but without any order as to costs.

Dated the 20th September, 1971

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridbad.

No. 1048, dated 20th September, 1971

Forwarded four (copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridbad.

No. 10588-4Lab-71/32448.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Gedore Tools (India) (P) Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 84 of 1971

*between*

SHRI GULSHAN MALIK, WORKMAN C/O GENERAL LABOUR UNION, I-K/16, N. I. T.,  
FARIDABAD AND THE MANAGEMENT OF M/S GEDORE TOOLS (INDIA) (P) LTD.,  
FARIDABAD

*Present :*

Shri Krishan Kumar, for the workman.

Shri R.C. Sharma, for the management.

#### AWARD

The management terminated the service of their workman Shri Gulshan Malik and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication.—*vide* Government Gazette Notification No. ID/FD/54-E, dated 31st May, 1971 :—

Whether the termination of services of Shri Gulshan Malik was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the management filed their written statement. It is pleaded that the workman himself resigned his job on 15th March, 1971 as he wanted to leave the station and service certificate was also given to him and his dues were paid to him in full. The following issues were framed:—

1. Whether the workman has resigned his job with effect from 15th March, 1971?

2. If issue No. 1 is not proved whether the termination of services of Shri Gulshan Malik was justified and in order? If not, to what relief is he entitled?

*Issue No. 1.*—Shri Chaturvedi, Executive Officer of the respondent concern have proved the letter of resignation Ex. M. W. 1/1 and the service certificate Ex. M. W. 1/2. Shri Chaturvedi has also proved that the workman was paid his dues in full. There is no evidence in rebuttal. I, therefore, find this issue proved.

*Issue No. 2.*—This issue does not arise with a view of my findings on issue No. 1. The termination of the services of the workman was justified and in order and he is not entitled to any relief. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Dated the 20th September, 1971.

No. 1848, dated Rohtak, the 22nd September, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 5th October, 1971

No. 10751-4Lab-71/32770.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s. Prestolie to India Ltd., Main Mathura Road, Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 89 of 1971

*between*

SHRI PREM RAJ WORKMAN C/O SHRI BHIM SINGH YADAV, 1-A/90, N. I. T.,  
FARIDABAD AND THE MANAGEMENT OF M/S PRESTOLIE TO INDIA, LTD.,  
MAIN MATHURA ROAD. FARIDABAD

*Present:*

Shri Bhim Singh, for the workman.

Shri S. L. Gupta, for the management.

#### AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Gazette Notification No. ID/FD/107-F/ dated 25th June, 1971 :—

Whether the termination of services of Shri Prem Raj was justified and in order? If not; to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. On 10th September, 1971, the representative of the workman made a statement that the workman Shri Prem Raj has received Rs. 233.93 in full and final settlement and nothing is due to him. The representative of the management admits the correctness of the statement made on behalf of the workman.

I hold that the workman is not entitled to be re-instated as per settlement between the parties. I give my award accordingly. No order as to costs.

Dated the 22nd September, 1971.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 1872, dated Rohtak, the 23rd September, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 10742-4Lab-71/32774.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Jawahar Weavers Production Co-operative Industrial Society Ltd., Rohtak.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 117 of 1971

*between*

THE WORKMAN SHRI SURAJ BHAN C/o SHRI S. N. VATS, BNGG. WORKERS UNION  
(REGD), ROHTAK AND THE MANAGEMENT OF M/S JAWAHAR WEAVERS  
PRODUCTION CO-OPERATIVE INDUSTRIAL SOCIETY LTD., ROHTAK

*Present :—*

Shri S. N. Vats, for the workman.

Shri K. S. Bhatnagar, for the management.

#### AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication *vide* Government Gazette Notification No. ID/RK/186-A/ dated 8th July, 1971 :—

Whether the termination of services of Shri Suraj Bhan was justified and in order? If not; to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. However, on the date fixed the workman Shri Suraj Bhan made a statement that he has no dispute with the respondent and he did not wish to go back into service.

In view of the statement made by the workman, I hold that the applicant is not entitled to any relief. I give my award accordingly. No order as to costs.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

Dated the 23rd September, 1971.

No. 1869, dated Rohtak, the 23rd September, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.